In the High Court of Punjab and Haryana, Chandigarh

CWP No. 16439 of 2006

Date of Decision: October 17, 2006

Chander Pal

…Petitioner

Versus

State of Haryana and others

…Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR
HON'BLE MR. JUSTICE M.M.S. BEDI

PRESENT: Mr. Sanjay Verma, Advocate,
for the petitioner.

JUDGMENT

M.M. KUMAR, J. (Oral)

The prayer made by the petitioner in the instant petition filed under Article 226 of the Constitution is for quashing order dated 29.8.2006 (P-5) passed by the Inspector General of Police, Ambala Range, Ambala, exercising the power of Appellate Authority under Rule 16.30 (2) of the Punjab Police Rules, 1934, Volume 2 (for brevity, 'the Rules). The petitioner has been punished by the Superintendent of Police by inflicting the punishment of stoppage of one increment with cumulative effect, vide order dated 26.4.2004.

Having heard the learned counsel, we are of the view that the Appellate Authority should have construed the provisions of

Rule 16.30(2) of the Rules as there is specific provision under Rule 16.30(2) clothing the Appellate Authority with the power to accept the appeal filed beyond the period of limitation if he deem fit to do so. Accordingly, we set aside the impugned order dated 29.8.2006 (P-5) and direct respondent No. 3 i.e. Inspector General of Police, Ambala Range, Ambala, to reconsider the appeal of the petitioner by keeping in view the provisions of Rule 16.30(2) of the Rules. The petitioner shall be at liberty to move an appropriate application explaining the circumstances which have resulted in delay in filing of the appeal before respondent No. 3. The petitioner shall send the application under Registered A.D. cover within a period of two weeks from today and the appeal shall be decided from the date of receipt of the application within two months thereafter.

The writ petition stands disposed of in the above terms.

(M.M. KUMAR)
JUDGE

(M.M.S. BEDI)
JUDGE

October 17, 2006
Pkapoor